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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,302	06/08/2006	Shinichi Okawa	57800/A400	4987
	7590 03/16/201 RKER & HALE, LLP	EXAMINER		
PO BOX 7068		SINGH, SUNIL K		
PASADENA, CA 91109-7068			ART UNIT	PAPER NUMBER
			3732	
			MAIL DATE	DELIVERY MODE
			03/16/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No. 10/582_302 NAWA ET AL						
Examiner Sunit K, Singh - The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no want, however, may a may be timely filled in what SN(A) MONTHS from the maining date of this communication. - If SNO AMONTHS from the maining date of this communication and apply and vill disprice N(A) MONTHS from the roading date of the communication. - If SNO Period for may is specified above, the manner statutes of the communication and apply and villaging to the provision of the specified above. The maining date of this communication and specified above. The maining date of this communication and specified above. The maining date of this communication and provided the specified of the specified and specified and specified above. The maining date of this communication and provided the specified and specified			Application No.	Applicant(s)		
Sunil K. Singh 3732 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extension time may be available used the provision of 3 CFR 1.138(a), in the event, however, may a reply be limbly illed after SIX (5) MONTHS from the making date of the communication and size of 1.138(a), in the event, however, may a reply be limbly illed after SIX (5) MONTHS from the making date of this communication. Period of this communication, which is the state than three months after the making date of this communication, even if timely filled, may reduce any evener departed than a department. See 37 CFR 1.74(a). Status 1) [S Responsive to communication(s) filled on 20 November 2009 2a) [S] This action is FINAL. 2b) [This action is non-final. 3) [Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) [S] Claim(s) 42-80 is/are pending in the application. 4) [Claim(s) 42-80 is/are and 1.71-80 is/are withdrawn from consideration. 5) [Claim(s) is/are allowed. 6) [S] Claim(s) is/are objected to. 5) [Claim(s) is/are objected to. 7) [Claim(s) is/are objected to. 8) [Claim(s) is/are objected to. 9) [The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.8(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) [The drawing(s) filed on is/are: a) [accepted or b) [objected to by the Examiner. Application Papers 9) [The specification is objected to by the Examiner. 10) [The drawing(s) filed on is/are: a) [accepted or b) [objected to by the Examiner. Application Papers 11			10/582,302	OKAWA ET AL.		
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date Notice of Informal Patent Application	1) X Notic 2) Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)		ate		

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 42-49,50-60, and 77-80 rejected under 35 U.S.C. 102(e) as being anticipated by Katsuda et al. (US 2005/0003323).

Katsuda discloses a dental device that includes: an instrument (A) having a forward end (4) that is **capable** of being equipped with a diagnostic/treatment tool for treating/diagnosing a lesion in an oral cavity; a light radiating unit (1) having a light source (2a) for emitting excitation light and a light source (2b) **capable** of emitting illumination light [0169]; wherein the wavelength of excitation light is selected from 405 +/- 50 nm [0169]; wherein the radiating unit is **capable** of simultaneously radiating excitation light and illumination light [0111]; wherein the illumination light is white light [0017]; wherein the light sources are laser diode (LEDs); wherein the light source is capable of variably adjusting a light emission level of the light source (via filters and choppers); wherein the radiating unit is capable of radiating light at one wavelength by switching between the plurality of light sources; wherein the light source is selected from

halogen lamp [0095]; wherein the light radiating unit includes an optical filter; wherein the light's wavelength is capable of being selected by replacing filter with another filter having different characteristics; wherein the radiating unit (1) includes a radiating part from which excitation light and/or illumination light are radiated toward the lesion (Fig. 7); wherein the radiating part is capable of being disposed near a mounting portion of the diagnostic tool; wherein the device includes a power supply for driving the light sources [0108]; wherein the light emitting devices are capable of being mounted so as to encircle the diagnostic/treatment tool; wherein the radiating unit includes a plurality of light sources (2a,2b,2c) positioned at the forward end (Figs. 44, 45) and is capable of switching between plurality of light sources [0111].

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 61 and 64-75 rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuda et al. in view of Nakanishi (US 6,607,384).

Katsuda discloses the invention substantially as claimed except for a detachable adapter having LEDs and a filter.

Nakanishi teaches a detachable adapter (60,50) that includes various LEDs. It would have been obvious to modify Katsuda to include the claimed adapter, as taught

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by Nakanishi, since such a device is well known in the art. Furthermore, it would have been obvious to one having ordinary skill in the art to modify Katsuda/Nakanishi to include an adapter with filters in order to filter out light from the LEDs in Nakanishi's adapter.

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil K. Singh whose telephone number is (571) 272-

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3460. The examiner can normally be reached on Monday-Friday (Increased Flex Schedule).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris L. Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/11/2010

/Sunil K Singh/ Examiner, Art Unit 3732

/Cris L. Rodriguez/ Supervisory Patent Examiner, Art Unit 3732